

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 19-1047V

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DARREL LAURETTE,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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* Chief Special Master Corcoran

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* Filed: April 1, 2024

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Bruce W. Slane, Law Office of Bruce W. Slane, P.C., White Plains, NY, for Petitioner.

Camille Collett, U.S. Department of Justice, Washington, DC, for Respondent.

DECISION AWARDING DAMAGES¹

On July 18, 2019, Darrel Laurette filed a petition seeking compensation under the National Vaccine Injury Compensation Program (the “Vaccine Program”).² Petitioner alleges he suffered a left Shoulder Injury Related to Vaccine Administration following receipt of an influenza vaccine on October 21, 2016. Petition (ECF No. 1) at 1. On March 25, 2024, I issued Findings of Fact and Conclusions of Law Regarding Damages, and therein determined that Petitioner was entitled to certain damages components: **\$130,000.00** in actual pain and suffering, plus funds sufficient to satisfy a Medicaid lien in the amount of **\$6,342.93**. *See* Findings of Fact and Conclusions of Law, dated Mar. 25, 2024 (ECF No. 129) (“Initial Findings”). I subsequently ordered Petitioner to file a statement indicating the address to which the Medicaid lien sum shall be paid. The necessary documentation has now been filed.

¹ Under Vaccine Rule 18(b), each party has fourteen (14) days within which to request redaction “of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy.” Vaccine Rule 18(b). Otherwise, the whole Decision will be available to the public in its present form. *Id.*

² The Vaccine Program comprises Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3758, codified as amended at 42 U.S.C. §§ 300aa-10 through 34 (2012) (“Vaccine Act” or “the Act”). Individual section references hereafter will be to § 300aa of the Act (but will omit that statutory prefix).

Accordingly, for all of the reasons discussed in the Initial Findings, and based on consideration of the record as a whole, I hereby award Petitioner the following:

- (1) a lump sum payment of **\$130,000.00** for actual pain and suffering, in the form of a check payable to Petitioner; and
- (2) a lump sum payment of **\$6,342.93**, representing compensation for satisfaction of the Medicaid lien, payable jointly to Petitioner and:

Colorado Department of Health Care Policy and Financing
Attn: HMS Colorado Subrogation
333 West Hampden Avenue, Suite 425
Englewood, CO 80110

This amount represents compensation for all damages that would be available under Section 15(a).

The Clerk of the Court is directed to enter judgment in accordance with this Decision.³

IT IS SO ORDERED.

/s/ Brian H. Corcoran
Brian H. Corcoran
Chief Special Master

³ Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by the parties' joint filing of notice renouncing the right to seek review.